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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,135	04/21/2006	Teuvo Moilanen	44655-324916	1173
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BARNES & THORNBURG LLP			EXAMINER	
1717 Pennsylvania Ave. NW			REESE, ROBERT T	
SUITE 500				
WASHINGTON, DC 20006-4623			ART UNIT	PAPER NUMBER
			3654	
			NOTIFICATION DATE	DELIVERY MODE
			06/15/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/563,135	MOILANEN, TEUVO
	<b>Examiner</b>	Art Unit
	ROBERT REESE	3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 09 May 2011.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-10 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 May 2011 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-941™)	Paper No(s)/Mail Date _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

#### **DETAILED ACTION**

The amendment filed May 9, 2011, has been entered. Claim 10 has been added. Therefore claims 1-10 are currently pending in the application.

##### ***Drawings***

1. The drawings are objected to because Figure 2, 3a, 3b and 3c are not labeled as such. Further, the solid black boxes are not appropriate for drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hakansson (6,928,976) in view of Jones (5,926,018).

As per claim 1, Hakansson discloses: An arrangement (abstract) in connection with a central lubrication system, the arrangement comprising a lubricant vessel (1), a pump unit (3-Column 5, lines 58-67), a control unit (column 4, lines 57-63), pipe systems (2), a pressure monitor unit (13), at least one feeder (5), the lubricant being arranged to be pumped from the lubricant vessel along the pipe to the feeders and objects to be lubricated (depicted in figure 1).

However, Hakansson does not disclose: The feeder is provided with at least one magnetizable piston that moves due to the influence of the pressure of a lubricant present in the pipe system to be lubricated, and a movement monitor unit for each feeder configured to monitor the operation of the central lubrication system, wherein the movement monitor unit is located outside a pressurized space of the corresponding at least one feeder, the pressurized space being formed by at least one wall, and a junction part located in the movement monitor unit outside a pressurized space, wherein the junction part comprises a sensor part which is located outside the at least one wall that defines the pressurized space corresponding at least one feeder and

comprises a fixed permanent magnet to generate a magnetic field, and a sensor for detecting movement of the magnetizable piston and an electronics part which processes a signal received from the sensor and produced as a result of a change in the magnetic field caused by the movement of the piston with respect to the sensor part and forwards this processed signal to the control unit.

Jones discloses a proximity switch with a piston (103) which moves due to the influence of the pressure of a lubricant present in the pipe system to be lubricated, a movement monitor unit (100) for each feeder in order to monitor the operation of the system, wherein the movement monitor unit is located outside a pressurized space of the corresponding one feeder, the pressurized space being formed by at least one wall (the pressurized space of the feeder is taken to be the interior of the spool bore, 103a, which is also taken to be the at least one wall), and wherein the junction part comprises a sensor part (102) which is located outside the at least one wall that defines the pressurized space corresponding at least one feeder and comprises a fixed permanent magnet (110) to generate a magnetic field, and a sensor (150) for detecting movement of the piston, and an electronics part (inside 136) which processes a signal received from the sensor and produced as a result of a change in the magnetic field caused by the movement of the piston with respect to the sensor part and forwards this processed signal to the control unit.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify lubrication apparatus of Hakansson with the proximity

switch of Jones to provide a more exact measure of the amount of lubricant being provided to the lubrication target.

The combination of Hakansson and Jones discloses the claimed invention except for the junction part is manufactured from a weakly magnetable material. It would have been obvious to one having ordinary skill in the art at the time of the invention to manufacture the junction part from a weakly magnetable material to minimize potential magnetic interference with the Hall effect sensor., since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Additionally, the combination of Hakansson and Jones discloses the claimed invention except for the piston being made of a magnetizable material. It would have been obvious to one having ordinary skill in the art at the time of the invention to manufacture the piston from a magnetizable material to amplify the magnetic signal of the fixed magnet on the Hall effect sensor, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

As per claim 2, Jones teaches that the sensor (150) is a Hall Effect sensor (Column 3, lines 43-45).

As per claim 6, Jones teaches that the movement monitoring unit is entirely located outside a pressurized space of the feeder (Depicted in figure 2).

As per claim 10, Jones teaches that the sensor part (102) is entirely located outside a pressurized space of the feeder (Depicted in figure 2).

4. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hakansson (6,928,976) in view of Jones (5,926,018) in further view Reininger (2003/0030431).

The combination of Hakansson and Jones discloses all of the structural limitations of claim 2 above.

However, Hakansson does not disclose: that output of the movement unit is locking so that a detection mode of the piston remains in memory.

Reininger discloses a position detection system where that output of the movement unit is locking so that a detection mode of the piston remains in memory (Paragraph 21).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify lubrication apparatus of Hakansson and Jones with the digital memory of Reininger to store readings of sensor so operators can evaluate the sensor readings over time.

As per claim 5, Reininger teaches that the locked detection mode of the output of the movement monitor unit is releasable by cutting an operating voltage of the sensor for a predetermined time (It is deemed that this type of reset is a well known feature with electronic equipment.)

5. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hakansson (6,928,976) and Jones (5,926,018) in view of Hall Effect Sensing and Application by Honeywell.

As per claims 3 and 7, the combination of Hakansson and Jones disclose all of the structural limits of claim 1 above.

However, the combination of Hakansson and Jones does not disclose: that the sensor is an analogue Hall sensor (claim 3) and that the electronics part comprises a voltage regulator, a detector- for detecting polarity of voltage, a microcontroller, an output circuit, indicator LED's as well as an amplifier part comprising a differential amplifier circuit and low-pass filters (Claim 7).

Hall Effect Sensing and Application by Honeywell discloses: a sensor is an analogue Hall sensor (page 5) (claim 3) and that the electronics part comprises a voltage regulator (page 4), a detector (the Comparator, Figure 4-26) for detecting polarity of voltage, a microcontroller (page 67), an output circuit (depicted in figure 4-26), indicator LED's (page 51) as well as an amplifier part comprising a differential amplifier circuit (page 4) and low-pass filters (page 57) (Claim 7).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify lubrication apparatus of the combination of Hakansson and Jones with the analogue Hall sensor and electronics as discussed by the Hall Effect Sensing and Application by Honeywell to provide an proper creation, detection, and processing of the signal to determine the position of the piston.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hakansson (6,928,976), Jones (5,926,018) and Hall Effect Sensing and Application by Honeywell, in further view of Diong (2002/0165953).

As per claim 8, the combination of Hakansson, Jones and Hall Effect Sensing and Application by Honeywell disclose all of the structural limits of claim 7 above.

However, the combination of Hakansson, Jones and Hall Effect Sensing and Application by Honeywell does not disclose: the output circuit is a potential-free relay contact.

Doing discloses a network architecture for internet appliances which contains an output circuit which is a potential-free relay contact (312, Paragraph 45).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the lubrication apparatus of the combination of Hakansson, Jones and Hall Effect Sensing and Application by Honeywell with the potential-free relay contact of Doing to provide a serial communications port for the output of the sensor.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hakansson (6,928,976), Jones (5,926,018), Hall Effect Sensing and Application by Honeywell, and Diong (2002/0165953), in the further view of Melgaard et al. (3,872,473).

As per claim 9, the combination of Hakansson, Jones, Hall Effect Sensing and Application by Honeywell and Doing disclose all of the structural limits of claim 7 above.

However, the combination of Hakansson, Jones, Hall Effect Sensing and Application by Honeywell, and Doing does not disclose: the plurality of movement monitor units of the central lubrication system are coupled in series.

Melgaard et al. discloses a monitoring apparatus with a plurality of sensors of the central lubrication system are coupled in series (abstract and figure 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the lubrication apparatus of the combination of Hakansson, Jones, Hall Effect Sensing and Application by Honeywell, and Doing with the serial connections of Melgaard et al. simplify the design of the apparatus by reducing the amount of wiring involved for the connections of the sensors to the central controller.

***Response to Arguments***

8. Applicant's arguments filed May 9, 2011, have been fully considered but they are not persuasive. The applicant has presented two arguments in the submittal. The first is the allegation that the sensor of the Jones reference is not outside the pressurized space. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the feature upon which applicant relies (i.e., the sensor is entirely located outside the pressurized space) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It should be noted that the claim requires that a "sensor part" must be located outside the pressurized space. Jones element 102 is described as "sensor housing" (Column 3, lines 6 and 7). The housing would certainly be considered as a "sensor part" of sensor 100. The Applicant also discusses that the level pipe (element 5 in Hakansson) is not a feeder. Figure 1 of

Hakansson clearly shows that element 5 directly connects to the sump through element 8, which is the sump mouth. As such, element 5 feeds into the sump, thus it is reasonable to describe element 5 as a "feeder", which meets the limitation of the claim.

The second argument concerns whether or not Hakansson is analogous art. In response to applicant's argument that Hakansson is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention.

See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both Hakansson and the current application relate to providing a centralized system to provide lubricant by means of a pump and piping system to a remote location. As such, it is deemed that Hakansson is reasonably pertinent to the pertinent problem, and hence would be considered as analogous art.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT REESE whose telephone number is (571)270-5794. The examiner can normally be reached on M\_F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael R. Mansen can be reached on (571) 272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael R Mansen/  
Supervisory Patent Examiner, Art Unit 3654

RTR